

Action Item Summary

EPA Technical Meeting #3

November 24, 2014: 9:00 am - 12:00 pm

DWR Bonderson Bldg | 901 P Street, Room 422, Sacramento CA 95814

I. Introductions:

Janet Hashimoto, Leanna Zweig, Chandra Chilmakuri, Cathy Marcinkevage, Carol DiGiorgio, Erin Healy, David Bosworth, Erin Foresman, Larry Rabin, Michelle Banonis, Dennis McEwan, Adam Smith, Tim Vendlinski, Stephanie Skophammer, Gardner Jones, Jennifer Pierre, Ben Giudice, , Petra Lee, David Swank, Yvette Redler

II. Topics:

Topic 1: EPA is concerned that the DEIS underestimates the potential impacts of methylmercury and selenium contributions from restoration and operations.

Areas of Discussion: The Supplemental DEIS needs to evaluate and describe the following:

- Potential increases in selenium loading from the San Joaquin River resulting from the proposed project due to increased volumes of San Joaquin River water that are allowed to enter the Delta. DWR/ICF contend that the BDCP is not responsible for addressing the sources of selenium from agricultural lands that drain into the San Joaquin River;
- Potential selenium impacts in Carquinez Strait and westward if selenium inputs from agricultural sources add to the selenium inputs from industrial sources;
- The causes and levels of mercury methylation in tidal wetlands and floodplains (BDCP CM12);
- How the new understanding of the Delta's historical ecology should be factored into the design of restoration projects.¹

Action Items:

- Regarding **selenium** (for BDCP and SDEIS):
 - Provide context for current contaminant sources, potentially increased residence times in the estuary, and associated processes.
 - Described the potential increased risk of exposure of sensitive fish populations to increased concentrations of selenium.
 - Conduct updated water column modeling (including downstream effects), and review literature.
 - Consider revisiting policy decision regarding in-Delta results and downstream effects to characterize impact conclusions in the DEIS.

¹ <http://sfei.org/projects/delta-landscapes-project>

- Better integrate/cross-reference Chapters 8 and 11 of DEIS.
- Determine appropriate place in Chapters 11 and 12 to call out CM1-related impacts specific to contaminants.
- Determine potential for cumulative impacts associated with San Pablo Bay refineries and interactions with BDCP-related San Joaquin River flows.
- In the Supplemental or Final EIS, revise text based on potential updates from EPA regarding expected changes in water quality standards, including potential splittail bioaccumulation modeling.
- Regarding **mercury** (for BDCP and SDEIS):
 - Add context of Yolo Bypass risks for CM2.
 - Describe ongoing DWR modeling and study efforts (in the Final EIS).
 - Revise CM12 into two groups: one addressing floodplain concerns and one addressing tidal habitat issues; confirm that CM12 is a menu of options, and potentially add options based on DWR efforts.
 - Add to CM4 design criteria for restoring wetlands to achieve multiple goals such as reversal of subsidence, sequestration of carbon and mercury, levee stabilization, and maintaining channel geometry and tidal energy so that X2 (low salinity zone) can be managed to increase the abundance and survival of resident fishes.
 - Describe appropriate uses of clean dredged material within the Delta, and discuss its potential to exacerbate subsidence on peat-based soils.
 - Potential policy decision regarding impact conclusions (EIS).
 - Commitment to consider historical ecology in design and latest ecological principles.

Topic 2: How will programmatic benefits to resident and migratory fishes from CM2 and CM4 be estimated and compared to estimated negative effects of CM1, CM2, and CM4?

Topic 2 Action Items:

- DWR/ICF will explain the logic chain in the SDEIS for reaching conclusions in Ch. 11 (applies to selenium and mercury, and more broadly to other issues).
- Discuss further in future technical meeting.

Topic 3: EPA is concerned that the upstream temperature analyses do not use available daily models. Consider applying EPA Guidance Criteria for Water Temperature.

Topic 3 Action Items:

- DWR/ICF will outline methods used to estimate potential temperature impacts and add a rationale for not using daily models;
- EPA will have an offline conversation with NMFS (Cathy M.) regarding the use of EPA's Water Temperature Guidance for salmon.²

²<http://yosemite.epa.gov/r10/water.nsf/1887fc8b0c8f2aee8825648f00528583/ce95a3704aeb5715882568c400784499>

Topic 4: EPA is concerned that the 20% M&I reduction mandates and differences in restoration footprints were not accounted for in modeling assumptions for water supply and demand.

Topic 4 Action Items:

- DWR/ICF will add an explanation in Chapter 5 and Appendix 5A that UWMPs have been reviewed, and are consistent with the assumptions used in BDCP modeling (full use of contract amounts) and with 20 x 2020 standards.
- EPA will review Attachment D5 to Appendix 5A (sensitivity analyses relating to habitat footprints) and potentially the Suisun Marsh Plan, and will report if additional discussion is needed.

Wrap-Up and Next Steps

ICF/DWR will summarize action items in advance of 12/1 policy meeting.

EPA Note: Some of these notes refer to “agreements” or “conclusions.” At this point, EPA is responding to tentative proposals for revisions suggested by the lead agencies or its consultants. Any agreements or conclusions referenced in this document are similarly tentative. EPA will base its Section 309 review on the actual released contents of the public revised DEIS and/or supplemental DEIS (whichever approach is taken).